

CERTIFICATE OF NEED

ADVISORY

Michigan Department of Community Health

CERTIFICATE OF NEED
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Certificate of Need (CON) Administrative Rules

Effective February 4, 2014

Highlights of New Rules

- Applications and other forms may now be submitted electronically. [Rules 9101(b), 9103(c), 9123(1), 9201(2), 9227(1)]
- Changes the time on a designated application date when an application is considered timely from 5:00 p.m. to 4:00 p.m. [Rule 9123(1)]
- An Application is not deemed submitted until statements addressing Section 22225 of the Code are received. [Rule 9201(2)]
- Clarifies the physician commitment process to make it uniform for different covered clinical services. (Rule 9204)
- A comparative review shall start after a Final Decision has been issued by the Director on similar projects in the same planning area. [Rule 9207(2)(a)]
- In a comparative review, if a higher ranking applicant requests more than amount of need, then remaining applicants will be approved (highest to lowest) until level of need is met. [Rule 9208(1)(d)]
- Adds a rule for Finance Reviews and lists the items an applicant is required to provide. (Rule 9210)
- Allows amendments to comparative review applications prior to approval as long as all applicants in a comparative group agree to allow amendment(s). [Rule 9215(1)]
- A revision during review or an Amendment after approval of a project shall not modify person, site, or increase number of beds/covered service. [Rule 9215(2), 9413(1)]
- Requires additional fee for Amendments if they result in higher costs under the fee schedule for the proposed project that would have required a higher application fee when submitted originally. [Rule 9215(3), 9413(2)]

- Amendment reviews can be extended (30 to 90 days) upon request by applicant. (Rule 9413(7))
- Removes the ability to have a reconsideration of a Final Decision by the Department Director when a standard is revised. The applicant can file a new application under the new standards. [Rules 9229(8), 9229(9), 9229(10)]
- Allows extension for installation of covered clinical equipment same as start of construction, beyond the 24-month period, if the Department determines circumstances justify an extension. [Rule 9417(3)]
- First procedure for medical equipment must be performed within six (6) months of installation, unless an extension is allowed by the Department. [Rule 9417(4)]
- The CON Administrative Hearing Procedures are now part of a new Rule set under MAHS and MDLARA.